

1  
2  
3 UNITED STATES DISTRICT COURT

## 4 DISTRICT OF NEVADA

5 \* \* \*

6 THOMAS ARTHUR VIGIL,

Case No. 3:25-cv-00044-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 A. KANWAL BRAR, *et al.*,

10 Defendant.

11 Pro se Plaintiff Thomas Arthur Vigil attempts to sue Defendants A. Kanwal Brar  
12 and V. Cedonio for a state law claim of “illegal conviction,” but his complaint (ECF No. 1-  
13 2 (“Complaint”)) does not provide a clear factual or legal basis for his claims. Before the  
14 Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge  
15 Carla L. Baldwin (ECF No. 3), recommending this case be dismissed with prejudice  
16 because the Complaint’s incomprehensible nature makes it impossible for the Court to  
17 identify the factual or legal basis for his claims or the nature of his requested relief. To  
18 date, no objections to the R&R have been filed. Because there is no objection, and as  
19 further explained below, the Court will adopt the R&R.

20 Because there is no objection, the Court need not conduct de novo review, and is  
21 satisfied that Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328  
22 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
23 recommendations is required if, but only if, one or both parties file objections to the  
24 findings and recommendations.”). As mentioned, Judge Baldwin reviewed Plaintiff’s  
25 Complaint, and properly determined that the Complaint does not allow the Court to  
26 identify the factual or legal basis for Plaintiff’s claims because the Complaint is rambling  
27 and impossible to decipher. (ECF No. 3 at 3-4.) *See Bell Atlantic Corp. v. Twombly*, 550  
28 U.S. 544, 555 (2007) (requiring that a complaint include “a short and plain statement of

1 the claim showing that the pleader is entitled to relief, in order to give the defendant fair  
2 notice of what the . . . claim is and the grounds upon which it rests"); FED. R. CIV. P. 8(a)(3)  
3 (requiring that a complaint include a demand for relief sought). The Court also lacks  
4 subject matter jurisdiction as Plaintiff's sole claim falls under state law. See, e.g., *Owen*  
5 *Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978).<sup>1</sup> Having reviewed the R&R,  
6 Judge Baldwin did not clearly err.

7 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF  
8 No. 3) is accepted and adopted in full.

9 It is further ordered that Plaintiff's applications to proceed *in forma pauperis* (ECF  
10 No. 1, 1-1) be granted.


11 It is further ordered that the Clerk of Court file the Complaint (ECF No. 1-2).

12 It is further ordered that Plaintiff's Complaint (ECF No. 1-2) be dismissed  
13 with prejudice.

14 It is further ordered that Plaintiff's motion for hearing (ECF No. 4) be denied  
15 as moot.

16 The Clerk of Court is directed to close this case.

17 DATED THIS 10<sup>th</sup> Day of February 2025.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>A federal court has subject matter jurisdiction if the case has diversity of citizenship between the parties or a claim arising from federal law. See 28 U.S.C. § 1331; *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987).